



07/03/03

UTILITY PATENT APPLICATION

TRANSMITTAL UNDER 37 C.F.R. §1.53(b)

ASSISTANT COMMISSIONER FOR PATENTS

Box PATENT APPLICATION

Washington D.C. 20231

Case Docket No.: SPRX-021C1

Sir:

Transmitted herewith for filing is the patent application of
 INVENTOR OR APPLICATION IDENTIFIER: Mark L. FAUPEL, Shabbir BAMBOT, and Glen S. ARCHE
 FOR: APPARATUS AND METHOD FOR DETERMINING TISSUE CHARACTERISTICS

Enclosed are:

1. ☒ 31 pages of specification, claims, abstract
2. ☒ 12 sheets of FORMAL drawings.
3. ☒ 2 pages of Declaration & Power of Attorney (copy from a prior application).
☒ Incorporation By Reference-The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
☒ This is a Continuation of prior application No. 09/700,538, filed on November 16, 2000, which is the U.S. National Stage of WO 99/60377 published November 25, 1999, which claims priority to provisional application Serial No. 60/085,941 filed May 19, 1998, entitled APPARATUS AND METHOD FOR DETERMINING TISSUE CHARACTERISTICS.
4. ☒ An Information Disclosure Statement and PTO 1449 Form are submitted herewith.
5. ☐ Cancel claims _____.
6. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 5 above:

CLAIMS AS FILED					
For	No. Filed		No. Extra	Rate	Fee
Total Claims	23	- 20	3	X \$9.00	\$27.00
Indep. Claims	3	- 3	0	X \$42.00	\$0.00
Multiple Dependent Claims (If applicable) add \$140.					\$0.00
BASIC FEE					\$375.00
TOTAL FILING FEE					\$402.00

7. ☐ Preliminary Amendment is enclosed.
8. ☒ Applicant claims Small Entity status.
- 9a. ☒ A check in the amount of \$402.00 (Check #9756) is attached.
- 9b. ☐ Please charge my Deposit Account No. 16-0607 in the amount of \$____. A duplicate copy of this sheet is enclosed.
- 9c. ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0607. A duplicate copy is enclosed.
☒ Any additional filing fees required under 37 C.F.R. 1.16.
- 10a. ☒ The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application No. _____ or credit any overpayment to Deposit Account No. 16-0607.
- 10b. ☒ Authorization under 37 C.F.R. §1.136(a)(3).

14749 U.S. PTO
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11. ☒ Amend the specification by inserting before the first line the sentence:

--This is a Continuation of prior application No. 09/700,538, filed on November 16, 2000, which is the U.S. National Stage of WO 99/60377 published November 25, 1999, which claims priority to provisional application Serial No. 60/085,941 filed May 19, 1998.--

12. ☐ Priority of Application Serial No. _____ filed on _____, in _____ is claimed under 35 U.S.C. 119. The certified priority document(s) were filed in Serial No. _____ on _____.

13. ☒ The prior application is assigned of record to SpectRx, Inc. at Reel 011337, Frame 0369.

14. ☒ The power of attorney in the prior application is to:

FLESHNER & KIM, LLP

15. ☒ Two (2) return postcards.

☒ Stamp & Return with Courier.

☒ Prepaid Postcard-Stamped Filing Date & Returned with Unofficial Serial Number.

16. ☐ Also enclosed:

17. ☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____.

Respectfully submitted,
FLESHNER & KIM, LLP

John C. Eisenhart
Registration No. 38,128
Carol L. Druzbeck
Registration No. 40,287

Correspondence Address Below:

P.O. Box 221200

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(703) 502-9440 JCE:CLD/kam

Date: July 3, 2003

Docket No.: SPRX-021C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Mark L. FAUPEL, Shabbir BAMBOT,
and Glen S. ARCHE :
: Serial No. Continuation of 09/700,538 : Group Art Unit: 2877
: Filed: July 3, 2003 : Examiner: M. Stafira
: For: APPARATUS AND METHOD FOR DETERMINING TISSUE
CHARACTERISTICS

**AUTHORIZATION TO TREAT A REPLY AS INCORPORATING
AN EXTENSION OF TIME UNDER 37 C.F.R. §1.136(a)(3)**

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time under 37 C.F.R. 1.136(a)(3). The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 16-0607, if such fees are not otherwise provided for in such reply. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
FLESHNER & KIM, LLP

John C. Eisenhart
Registration No. 38,128
Carol L. Druzbeck
Registration No. 40,287

P.O. Box 221200
Chantilly, VA 20153-1200
703 502-9440 JCE:CLD/kam
Date: July 3, 2003

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